

George Jarvis (J).. Austin, esq. (TBA) 12/05/20
Austin v. Tesla, et. al. Case # 3:20-cv-00800
240 E. Channel St. #1354 Stockton, CA 95202

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GEORGE J. AUSTIN, Plaintiff,

TESTIMONIAL DEFAMATION PER SE
& ANALOGOUS CASE VALUATIONS
AFFIDAVIT

Re: Dkt. Nos. 43, 45, 50

v.

TESLA., et al., Defendants.

Case No. 3:20-cv-00800

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Pursuant to Rule 26 *Duty to Disclose; General Provisions Governing Discovery*, Rule 56(c), and Rule 44 *Proving an Official Record* Plaintiff moves to file Notice of previously filed Defamation Per Se Testimonial Affidavit. This Affidavit is of a Recorded, Saved, and Transcribed Voicemail from Sandy Malloy (Employee of Balance speaking on behalf of all Defendants according to Tesla Officers, and Sandy herself). See below.

[Written Transcription from Sandy Malloy - Defamation Per Se]

“Hi George, this is Sandy from Balance Staffing, um since I know you are not going to pick up the phone, I’m going to leave this information letting you know, that I’m aware that you had a meeting with Alexandra, and the Tesla HR this week, as a result of that we are ending your assignment, due to a violation of California Penal Code, in regards to recording a supervisor without his consent, your final paycheck can be picked up today after 5pm, if you don’t pick it up today it will be mailed ..., um yeah so if you want to discuss this just give me a call, you have my number” - Sandy Malloy, Balance Staffing [Speaking on Behalf of All Defendants including Tesla, Balance, and Personnel Staffing]

Plaintiff followed this message up in writing to get clarity, and give Defendants multiple opportunities to correct their false, and defamatory, statement(s), but no correction was made, and additional legal liability ensued. Additionally, Plaintiff tried to proactively break down the elements and ask for verification by Sandy, and Defendants (Including Tesla Officers, directly), as Plaintiff wasn’t sure if she realized that she was incurring, and potentially magnifying, legal

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liability for Defendants (and tried to provide an out for them). Ms. Malloy doubled down, without evidence, and solidified the liability incurring statements for all Defendants.

Further, this is to provide notice of Forthcoming Affidavits relating to liability inducing Defamation Per Se published statements, and previously filed Amended Complaint already surpassing *Twombly*, and *Iqbal* standards for Judicial Review. Defendant's Tesla, Balance Staffing, and Personnel Staffing unfortunate, published, completely false, and defamatory, statements, as well as retaliatory behaviors, causing injury, are similar to the behaviors producing **\$44,000,000.00**, and **\$38,300,000.00** million dollar 'false accusation' defamation per se Jury Awards in both *Gibson Bakery v. Oberlin College*, and in *Cohen v. Hansen*, respectively. It is also very similar to the underlying causes of action, and facts, producing the **\$168,000,000.00 (Defamation portion of Total award: \$24,750,000.00)** million dollar Jury Award for analogous retaliatory, defamatory, and code violating organizational behaviors in *Chopourian v. Catholic Healthcare West* to Plaintiff's detriment. Because this very precarious situation has been filled with deceit, retaliation, and very strange happenings, it is unclear who, if any, of the Defendant Parties, are being forthright, at all, but these defamatory statements, and subsequent retaliatory, and negative, employment actions are wrongful, and statements absolutely false.

Plaintiff, (University of California, Berkeley Graduate (09'), Honors Student, Bay Area Housing Commissioner, Alum, NAACP National Representative, and Local Youth and College President, Alum, California Senate, Capital Fellows, Senate Fellows Top 10 out of 800+ Nationally Ranked, Alum (13'), UCLA Law, and Anderson Riordan MBA Fellows, Alum (08',13'), T-14 Law Student, as well as others), and Attorney of Record, Mr. George Jarvis (J.)

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Austin, esq. (TBA) has also tried repeatedly to resolve the issue outside of litigation, but no amenable option, or alternative, was provided by Defendants. Specifically, Plaintiff exhausted pre-litigation options to try and solve the issue outside of court, avoid any unnecessary litigation, or causes of action, but Defendant employers refused, and further shut down healthy professional, proactive, communication.